

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

**FILED**  
ASHEVILLE, NC  
JUN -1 2012  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

:James-Earl :Beavers

:Beverly-Sue :Beavers

Propia Persona- Petitioner

vs.

CASE NO. 1:12cv120

Ms. Kathryn Keneally, d/b/a Asst. Attorney General

Mr. William C. Killian, d/b/a United States Attorney

Mr. Charles E. Atchley, Jr., d/b/a Asst. United States Attorney

Mr. Jonathan R. Marx, d/b/a Trial Attorney

Mr. Jed M. Silversmith, d/b/a Trial Attorney

Mr. David J. Martin, d/b/a IRS Special Agent

Mr. Kevin McCord, d/b/a IRS Special Agent

Mr. Louis C. Vega, d/b/a Probation Officer

Mr. Corey Miller, d/b/a Probation Officer

Mr. Bruce Guyton, d/b/a US Magistrate Judge

Mr. Varlan Shirley, d/b/a US District Judge

Defendants.

Ref: US DISTRICT COURT EASTERN TENNESSEE # 3:12cr49

### SYSTEMATIC VIOLATIONS OF JUS COGENS

COMES NOW, James S. Beavers, a man, and Beverly Sue Beavers, a woman, hereinafter Affiant-Complainant, and make this Claim of Systematic Violations of Jus Cogens by persons posing as agents of the Government of the United States of America, and its political sub-divisions [i.e. state, commonwealth, county, parish, borough, city-county partnership, city, metropolitan areas, township, un-incorporated areas, etc., hereafter USA, INC.] using legislative measures and other measures to deny peoples the right to self-determination and the enjoyment of basic human rights and fundamental freedoms with willful, intentional, and deliberate violations of Customary International Law [hereafter CIL] prohibiting involuntary servitude and other inhuman acts which are examples of peremptory norms, enforceable against States and individuals as jus cogens violations.

1.

The above name Defendants violate the peremptory norms and commit the jus cogens crime of Slavery, Slavery Like Practices and crimes against humanity and provide no respect for the principles of equal rights and self-determination of all peoples, they instead use legislative measures, armed action or repressive measures that violates all mandates of CIL, meaning all persons posing as agents of the government of the USA, INC., uses legislative measures and other measures acting in violation of international law each time they interfere with or infringe on the human rights and fundamental freedoms of Affiant/Complainant subscribing to the crime of Slavery and Slavery Like Practices in violation of jus cogens.

2.

The persons posing as agents of the government of the USA, INC. violates not only the Universal Declaration of Human Rights and other human rights instruments and humanitarian laws on a daily basis, but its own Human Rights policy that it holds out to the world to judge the conduct of leaders and other nations, and even use to invade other nations for protection of peoples for human rights violations. The USA, INC. through its vote within the United Nations Security Council demands that Leaders and other Nations MUST abide by the provisions of the Universal Declaration of Human Rights and other international treaties, conventions, covenants, and declarations, etc., because of the mandate of the Charter of the United Nations, when the persons posing as officers, agents, and

contractors of the government of the USA, INC., through legislative measures, armed action and other repressive measures violates these same treaties, conventions, covenants, declarations, etc., every day in its use to reduce the American peoples to slaves, using slavery like practices where the International Community states that these actions have the identity as violations of jus cogens.

3.

Where public officials or other agents acting in an official or quasi-official capacity have violated international criminal laws, the victims should receive restitution from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurred is no longer in existence, the State or Government [Corporate Government entity] successor in title should provide restitution to the victims, where there is no contract or law between the victim and quasi-government to a mutual performance or violates CIL, such action is said to violate a peremptory norm that also violates jus cogens.

4.

### **Jurisdiction**

THE DISTRICT COURT FOR THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA, ASHEVILLE DIVISION, has jurisdiction within the Alien Torts Claims Act [hereafter ATCA] 28 U.S.C. 1350, to adjudicate these claims of violations of jus cogens crimes done by persons posing as agents, contractors, members of agencies, departments, and commissions, alleging to be government officials, when the tort of fraudulent deceit of these violations are made known by the American Peoples whose legal status is separate and distinct from the (Corporate) state administering them. There are no treaties with the USA, INC., that was agreed to by the American Peoples to perform to the dictates of the corporate USA, INC., thereby all persons posing as agents, officers, agencies, departments, etc., of the USA, INC., do so with only the authority of a corporation for slavery, and slavery like practices, and where such authority is seen by the International Community as violations of jus cogens.

5.

The ATCA implements all international human rights obligations of the USA, INC., and gives this Court the duty of considering customary and treaty base international law obligations of the USA, INC., when it address the matter of jus cogens crimes that includes the obligatio erga omnes which are inderogable and

present this Court with a duty to prosecute or extradite, apply the non-applicability of statutes of limitations for such crimes, apply the non-applicability of the defense of “obedience to superior orders” (save the mitigation of sentence), grants their non-derogation under “states of emergency,” and the universal jurisdiction of such crimes. This Court must consider customary and treaty base international law in this instant case because of the legal status of the Affiant/Complainant.

6.

Persons posing as agents, officers, and officials of the government of the USA, INC., [for the people] has obligatio erga omnes to Promote, Protect and Recognize universal human rights and fundamental freedoms of all peoples as the mandate of the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments are obligations of the government of the USA, INC., [within its duty as signatore to the United Nations Charter, the Universal Declaration of Human Rights, a leading member of the United Nations Security Council and a Proclamation of the Senate and President October 31, 1945.] When treaties condemn an action there is strong evidence that the action under condemnation violates the acceptance of a jus cogen or CIL norm.

7.

No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation, as was done by Mr. David J. Martin, d/b/a IRS Special Agent where his actions using armed action and repressive measures to deny the right of these Affiant/Complainant and other American Peoples to freely exercise and fully enjoy the recognition of universal human rights and fundamental freedoms that is the birthright of all peoples, where his actions violates the jus cogens of slavery and crimes against humanity by State Officials with sanctions of the State.

8.

The Duties and Actions of Mr. William C. Killian, d/b/a United States Attorney and Chief Prosecutor of the United States District Court of Eastern Tennessee whose actions before the United States District Court of Eastern Tennessee as the Chief Enforcer of the policy of slavery, slavery like practices and crimes against humanity with full knowledge of his actions being a tort of fraudulent deceit. By enforcing the policies of slavery and slavery like practices, Mr. William C. Killian denies this Affiant/ Complainant the ability to freely exercise and enjoy all universal human rights and fundamental freedoms that are the birthright of all peoples and violates jus cogens of slavery like practices and crimes against humanity by State Officials with sanctions of the State.

9.

The government of the USA, INC., has obligatio erga omnes to Promote, Protect and Recognize universal human rights and fundamental freedoms of the American Peoples as the mandate of the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, these obligations of the government of the USA, INC., [within its duty as signatore to the United Nations Charter, the Universal Declaration of Human Rights and a leading member of the United Nations Security Council]. When treaties condemn an action, there is strong evidence that the action under condemnation violates the acceptance of a jus cogen or CIL norm.

10.

I, James Earl Beavers, herein make this Declaration of my Right to Self-Determination and the ability to freely exercise and enjoy all universal human rights and fundamental freedoms that are the birthright of all peoples, to this Court and ask that this Declaration be made a permanent part of this record and made available to all agents, agencies, departments, commissions, and contractors, etc., of the government of the USA, INC., to be recognize as a living man whose legal status is separate and distinct from the corporate state administering them.



11.

I, Beverly Sue Beavers, herein make this Declaration of my Right to Self-Determination and the ability to freely exercise and enjoy all universal human rights and fundamental freedoms that are the birthright of all peoples, to this Court and ask that this Declaration be made a permanent part of this record and made available to all agents, agencies, departments, commissions, and contractors, etc., of the government of the USA, INC., to be recognize as a living woman whose legal status is separate and distinct from the corporate state administering them.

12.

#### CLAIM OF VIOLATIONS OF JUS COGENS BY AGENTS OF USA, INC.

Persons posing as agents of the slavery government of the USA, INC., using legislative measures, armed action and other repressive measures against this Man and Woman with arbitrary arrest, threat of arrest, and coercion for anyone that question their authority to extort monies with no authority in international law to guide their actions in violation of jus cogens of the right to self-determination, the right to a Nationality, and the right to live in freedom, peace and security of person.

13.

The statutes in the accusations of Mr. David J. Martin, a man with a gun, with only the authority of slavery like practices, and crimes against humanity for his action, is refusing respect for the principles of equal rights and self-determination of all peoples, thereby making this man and woman the victims of a crime by his abuse of power and promotion of the system of slavery like practices and crimes against humanity in direct violation of jus cogens.

14.

Mr. David J. Martin and Mr. William C. Killian commits the crime of crimes against humanity by causing torture to this Affiant/Complainant by deliberately inflicting conditions of life calculated to bring about physical destruction through severe mental pain and suffering by not giving this Affiant/Complainant the right to a fair and impartial trial, by denying all judicial guarantees of establish laws of the international community to show an injury to person or damage to property, is a violation of jus cogens.

15.

There is no law in the international community or the USA, INC., that names

these Affiant/Complainant as having any contract or obligation in law to perform according to the dictates of Mr. David J. Martin or Mr. William C. Killian to give monies to a corporation on the word of its agents and/or assign with no lawful review or order from a tribunal of competent [constitutional] jurisdiction. Their actions to date humiliates, degrades and violates the dignity of these Affiant/Complainant in their claim in the District Court of Eastern Tennessee with only the authority of slavery like practices for their actions in violation of jus cogens for self-determination, by using armed actions and repressive measures to reduce these Affiant/Complainant to slavery and denial of basic human rights thereby denying the recognition of inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.

16.

The Claims by Mr. David J. Martin, IRS Special Agent, Mr. Kevin McCord, IRS Special Agent using armed and repressive measure to enslave the American Peoples, with the allege charges brought by Mr. William C. Martin, U.S. Attorney, Ms. Kathryn Keneally, Assistant U.S. Attorney, Mr. Charles E. Atchley, Jr., Assistant U.S. Attorney, Mr. Jonathan R. Marx, Trial Attorney, Mr. Jed M. Silversmith, Trial Attorney, and the conspiracy of Mr. A. Phillip Lomonaco, allege

Defense Attorney, Mr. Bobby Hutson, allege Defense Attorney, and Mr. Jonathan A. Moffatt, allege Defense Attorney with the U.S. Attorney to complain in the name of UNITED STATES OF AMERICA, a fictitious Complainant, is a tort of fraudulent deceit because of the inability of the UNITED STATES OF AMERICA to testify of injuries and/or damage to property. This process in the non-lawful courts of the USA, INC., (control by members of the BAR Associations) denies the American Peoples the right to an effective defense, subjects the American Peoples to arbitrary arrest and illegal imprisonment, denies their right to a nationality, and the right to self-determination by using legislative measures and other repressive measures against them, all of these actions have the identity of being outside of peremptory norms enforceable against States and individuals, and violates jus cogens.

17.

The statute in use for the Claim of Conspiracy to Defraud the United States by Mr. David J. Martin is a Tort of Fraudulent Deceit. This statute is vague with no claim of authority in international law, thereby denying the recognition of inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. This is the work of the system of slavery and slavery like practices where persons posing as agents of the government of the USA, INC., using statutes of slavery that derogates from the

provisions of international law and to knowingly include within the scope of or exercise jurisdiction over persons not specifically named in the scope of the statute, which put it outside of the peremptory norms in violation of jus cogens.

18.

The statute in use for the Claim of Filing False Claims by Mr. David J. Martin is also a Tort of Fraudulent Deceit. This statute is also vague with no claim of authority in international law, thereby denying the recognition of inherent dignity and of the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world. This is the work of the system of slavery and slavery like practices where persons posing as agents of the government of the USA, INC., using statutes of slavery that derogates from the provisions of international law and to knowingly include within the scope of or exercise jurisdiction over persons not specifically named in the scope of the statute, which put it outside of the peremptory norms in violation of jus cogens.

19.

These Affiant/Complainant hereby deny any claim of judicial power in the statutes of the accusation of Mr. William C. Killian, as U.S. Attorney, the Assistant U.S. Attorneys and Trial Attorneys is valid or properly applied when used by persons posing as agents of the USA, INC., whose accusation do not constitute

violations of international law because the State [USA, INC.,] has no power to authorize judicial activity that is inconsistent with international standards and in compliance with obligations arising from the Constitution for the United States of America, which is a written contract requiring specific performance from all persons exercising their authorities [i.e. US Attorney, IRS Special Agents, FBI, etc.] and obedience to the general law of the Land that have been made in pursuant thereof; and all treaties made under the authority of the USA that limits the powers of all persons acting thereunder. All other actions constitutes a denial of universal human rights and fundamental freedoms, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation, is a direct abuse of powers and violates the jus cogens of slavery, crimes against humanity, and slavery like practices and makes this Affiant/Complainant the victim of a crime by State Officials with sanctions of the State.

20.

The Duties of Mr. Bruce H. Guyton d/b/a Magistrate Judge of the United States District Court of Eastern Tennessee, Knoxville Division to enforce the policies and practices of slavery like practices, and crimes against humanity to ensure that all American Peoples pay a tribute to work and live in America. These policies not only violate the jus cogens against Crimes against Humanity, and Slavery like Practices, it also displays an act of Abuse of Power and makes this Affiant/Complainant and all other peoples working in America, victims of a crime

by State Officials with sanctions of the State.

21.

The Duties of Varlan Shirley d/b/a Judge of the United States District Court of Eastern Tennessee, Knoxville Division to enforce the policies and practices of slavery like practices, and crimes against humanity to ensure that all American Peoples pay a tribute to work and live in America. These policies not only violate the jus cogens against Crimes against Humanity, and Slavery like Practices, it also displays an act of Abuse of Power and makes this Affiant/Complainant and all other peoples working in America, victims of a crime by State Officials with sanctions of the State.

22.

The Office of the IRS and the Office of the United States Attorney have no real (legislative) powers to carry out this assault that is being taken to the allege courts of the USA, INC., with no verifiable complaint of injury, damage to property, in the United States District Court for the Eastern District of Tennessee and has no jurisdiction given in any document on file by either of the above offices that gives subject matter or personam jurisdiction to hear or adjudicate this matter except that of slavery like practices and crimes against humanity. Being there is no legislative (Congressional Acts) or treaty base (International Law) authorization

for this action, means this Court is convening as a gross violation to all international human rights law and exerts serious violations of international humanitarian laws which by their very grave nature, constitute an affront to human dignity and is a blatant violation of jus cogens.

23.

The Duties and Actions of Mr. William C. Killian, d/b/a United States Attorney and Chief Prosecutor whose actions before the United States District Court of Eastern Tennessee as the Chief Enforcer of the crime of slavery like practices and crimes against humanity with full knowledge in law that his actions are a Tort of Fraudulent Deceit. By enforcing the policies of crimes against humanity, Mr. William C. Killian, the Office of the United States Attorney, Mr. David J. Martin, and the Internal Revenue Services operating in a conspiracy with each other to deny this Affiant/Complainant and all American Peoples the ability to freely exercise and enjoy all universal human rights and fundamental freedoms that are the birthright of all peoples. I am hereby Requesting an International Human Rights Investigation into the Policies and Practices of the Office of the United States Attorney, the Internal Revenue Services, and for them to reveal their Legislative Authority for their Operation against the People of America and to determine the level of Violations of Jus Cogens in regards to War Crimes, Crimes against Humanity, Slavery and Slavery like Practices that are in force not only



against me, but other American peoples as well. These and other inhuman acts with identity as peremptory norms, enforceable against States and individuals as violations of jus cogens, using Abuse of Power of Office, thereby making all American Peoples facing these Claims, victims of a Crime by State Officials with sanctions of the State.

24.

The following entities and individuals (Mr. Corey Miller, Mr. Louis C. Vega, Mr. Tony Anderson, Office of the United States Probation, Mr. James Thomas Fowler, Office of the United States Marshal, also profits and actively participate in the crime of slavery like practices and crimes against nature by denying or causing persons posing as government employees and contractors of the Government of the USA, INC., to deny this Affiant/Complainant and other Peoples in America the right to self-determination or the ability to freely exercise and fully enjoy universal human rights and fundamental freedoms, the birthright of all peoples. All of the individual and entities herein are partners in a conspiracy to actively commits these inhuman acts for the sole purpose of systematically oppressing the Peoples of America through non-lawful taxation without authority in lawful legislative actions or international law, in violation of jus cogens of crimes against humanity and slavery like practices by State Officials with sanctions of the State.

25.

Public officials must keep in mind the well-settled rule that the citizen is exempt from taxation unless the same is imposed by clear and unequivocal language, and that where the construction of a tax law is doubtful, the doubt is to be resolved in favor of those upon whom the tax is sought to be laid. All claims by State Officials to the contrary is a deliberate violation of international law and is seen as a willful violation of jus cogens by State Officials with sanctions of the State.

26.

Persons posing as agents, officers, and assigns of the USA, INC., utilizing the political powers of the State to commit violence against this woman that constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long standing failure to protect and promote those rights and freedoms in the case of violence against women in violation of jus cogens of crimes against humanity by State Officials with sanctions of the State.

27.

Persons posing as agents, officers, and assigns of the USA, INC., perpetrates the crime of violence against this woman with psychological violence condoned by the State as it occurs. These persons posing as agents, officers, and assigns refuse to

exercise due diligence to prevent and or punish such acts of violence against this woman and denies equal protection under the law, in violation of jus cogens by State Officials with sanctions of the State.

28.

Persons posing as agents, officers, and assigns of the USA, INC., fail to abide fully by the States obligations under the Geneva Protocol of 1925 and the Geneva Conventions of 1949, as well as other instruments of international law relative to respect for human rights in armed conflicts, which offer important guarantees for the protection of women and children, where all such actions violates jus cogens of crimes against humanity by State Officials with sanctions of the State.

Further Affiant/Complainant Saith Not!

Pursuant to Title 28 USC 1746.(1) and executed "without the United States" I affirm under penalty of perjury under the laws of the united States of America republic that the foregoing is true and correct to the best of my belief and informed knowledge.

Autographed this 1 day of June, 2012 by the hand of

Beverly Sue Beavers A.R.R.

One of the People of America

[Signature] A.R.R.

One of the People of America

6318 Beaver Ridge Road  
Knoxville, Tennessee 37931  
865-691-7416

## CERTIFICATE OF SERVICE

I, James Earl Beavers hereby certify that a copy of this document was put into the record of the Clerk of the District Court for the United States for the Western District of North Carolina, Asheville Division and copies were given to an Associate of the United States Postal Services for delivery at the addresses shown below with proper postage paid for same;

Office of the British Council, USA

ATTN: Ms. Jacqui Allen, Asst. Dir.

The British Embassy

3100 Massachusetts Ave. NW

Washington, D.C. 20008 USA

Office of the Clerk of Court Eastern Tennessee

ATTN: Ms. Debra C. Poplin, Clerk

United States Courthouse

800 Market Street

Knoxville, Tennessee 37902

United States Department of State

ATTN: Mr. Michael H. Posner

2201 C Street NW

Bureau of Democracy, Human

Rights and Labor

Washington, D.C. 20520-6810 USA

United Nations Security Council

760 United Nations Plaza

New York, NY 10017 USA

Office of the High Commissioner of Human Rights

ATTN: Madam Navanethem Pillay, High Commissioner

Palais des Nations

CH-1211 Geneva 10, Switzerland

Office of the Governor General of Canada  
ATTN: Mr. David Lloyd Johnston, His Excellency  
c/o Public Works and Government Services of Canada  
11 Laurier Street, Portage III  
Gatineau, Quebec  
K1A 0S5 Canada  
ATTN: Parliament Hill

Office of the United States Marshal  
ATTN: Mr. James Thomas Fowler  
800 Market Street, Suite 2-3107  
Knoxville, Tennessee 37902

Office of United States Probation  
ATTN: Mr. Tony Anderson  
800 Market Street, Suite 330  
Knoxville, Tennessee 37902

Office of the Federal Defender Services  
ATTN: Elizabeth Ford, Community Defender  
800 S. Gay Street, Suite 2400  
Knoxville, Tennessee 37929-9714

Mr. Corey Miller, P.O.  
Mr. Louis C. Vega, P.O.  
800 Market Street, Suite 330  
Knoxville, Tennessee 37902

Mr. Bobby Hutson, Assistant Defender  
Mr. Jonathan A. Moffatt, Assistant Defender  
Mr. A. Phillip Lomonaco, Assistant Defender  
800 S. Gay Street, Suite 2400  
Knoxville, Tennessee 37929-9714

Office of the Attorney General  
ATTN: Mr. Eric Holder  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530-0001

Office of the United States Attorney  
ATTN: Mr. William C. Killian  
800 Market Street, Suite 211  
Knoxville, Tennessee 37902

Mr. Jonathan R. Marx

Mr. Jed M. Silversmith

950 Pennsylvania Avenue NW

Washington, D.C. 20530-0001

Ms. Kathryn Keneally

Mr. Charles E. Atchley, Jr.

800 Market Street, Suite 211

Knoxville, Tennessee 37902

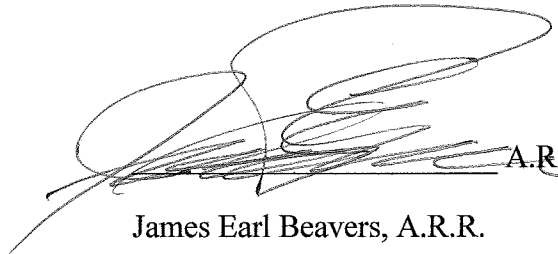
Internal Revenue Services Investigations

ATTN: Mr. David J. Martin

ATTN: Mr. Kevin McCord z

710 Locust Street

Knoxville, Tennessee 37902



A.R.R.

James Earl Beavers, A.R.R.